Demanding the Impossible:
An Immanent Critique
of the 2008-09 CUPE Strike

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Preface

The essay presented below was written in the summer of 2009 following what had been celebrated or mourned as one of the longest university strikes in English-speaking Canada. It was not written with the intention of (eventual) public consumption, but rather from a lingering emotion of panic-inducing frustration at having been cursed with a glimmer of foreknowledge regarding the outcome of the strike, as well as a feeling of complete powerlessness in effecting that fateful outcome in any meaningful way. This Cassandra complex was compounded by the fact that I occupied a position of some clout in the union, as a late addition (joining in mid-September, some months into negotiations) to the union's bargaining team.

The perspective, wrought by an additional eighteen months of retrospection, has chastised me for the one-dimensionality of the analysis below, its lack of critical engagement with issues beyond the scope of the relation of membership and activists (of which I was one); however, overall I am still satisfied that the perspective I contribute below can provide some new understanding to an event whose greatest tragedy consists in the silence that occupies the space where the insights of post-mortem analyses are desperately required. My hope now, in publishing this more than two-years following the termination of the strike in January 2009, is that it might provoke some serious and thoughtful discussions on a subject that has remained, in the words of one of my reviewers, "unfortunately, though comprehensively, taboo."

Jason Harman
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Introduction

"But will our philosophy not thus become a tragedy?"[1]

All new critical theories become the object of future critique. This patently obvious thesis sustains the discussion which unfolds below wherein I engage as my object of critique a theory that emerged initially as a critique of Soviet totalitarianism. The object of my analysis is "radical democracy," a new type of political philosophy that has gained widespread intellectual currency amongst the Left following the collapse of the Soviet Union – amazingly by many of the same intellectuals who had vociferously opposed this discourse during the heyday of Western Communism due to its critique, both of full-blown totalitarianism in the supposedly socialist utopia, and of its proto-totalitarian offspring in Western Europe (e.g. the French Communist party).[2] Indeed "radical democracy," once the pariah of Leftist thought, today appears as the heir-apparent to the throne of Leftist political philosophy. This is a position for which it is fully qualified given its robust critique of liberal and illiberal models of governance and its populist and universal project of emancipation (characteristics that are, ironically, identical to those of its predecessor – Marxism). However, rather than focusing on more abstract notions of class and relations of production, radical democratic practice and critique turns around questions of political participation, hierarchies of representation, the proliferation of technocratic knowledge and the entrenchment of parasitical 'experts' at the expense of citizens. Yet, the question which motivates this analysis is whether it is beyond the pall that the same fate that befell Marxist praxis could be in store for "radical democracy" as it seeks to implement itself in the *real* of the world.

In the foregoing analysis, I will be focusing on the ideology and practice of "radical democracy" during the eighty-five day strike by members of the Canadian Union of Public Employees 3903 (CUPE

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[1] Friedrich Nietzsche, *Human, All Too Human: A Book for Free Spirits,* trans. R.J. Hollingdale (Cambridge: Cambridge University Press, 1996), §34, p. 29.

[2] I am indebted here, and throughout this entire essay, to Claude Lefort's *Complications: Communism and the Dilemmas of Democracy*, a work that is both a contribution to the thought of radical democracy and an unwavering critique of totalitarianism and its apologists on the Left.

3903). The standard I will use, both to understand the operation of the union and to judge it, is the canon of "radical democracy" itself, in order to determine *immanently* as it were,[3] between words and deeds, to what degree the discourse of "radical democracy" was being realized and, conversely, to what degree it served as a banner to herald and simultaneously cloak the actions of a union under siege. As such, much of my analysis will turn around the *appearance* of "radical democracy," in terms of its particular deployment in the spaces of the union, as judged against its own truth, the spirit of radical democracy. My analysis will thus disregard much of what is of concern to a positivist analysis, the occurrences of activities, the particular participants, even the content of negotiations that supposedly fuelled the longest ever English-Canadian university strike.[4] Instead, I will approach the union strictly as a relation of forces, whose particular configuration vis-à-vis the *real* of the political discloses not a judgement on the *ends* of the strike, which for the purposes of this analysis I consider immaterial, but rather a verdict on the *means* of conducting it, by a union that understands itself as a paragon of anti-capitalist, anti-oppressive, and, most importantly, radically democratic organizing. In conclusion, I hope to explore the tragic fate that haunts 3903's discourses of emancipation in an effort to remind myself and my readers, *us activists*, of the inherent act of betrayal that accompanies any *translation* of the ideal into the real. In this vein, I hope to entreat all of us to firmly establish within our collective thought and our everyday actions the principle of a constant vigilance and self-critique, *especially* amongst the adherents of the Left who find in every new movement toward emancipation an opportunity for servitude.

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The timing of this essay, some six months after the termination of the strike by the provincial government, is a result of both an individual need to cultivate a sense of distance from the events of November 2008 through January 2009 and also from a feeling that I lacked the necessary conceptual tools to undertake such an analysis. It was not until reading

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[3] Cf. Herbert Marcuse, *Soviet Marxism: A Critical Analysis*, for his discussion of the notion of an immanent critique. Basically, Marcuse compares the reality or practice of Soviet Marxism to its self-professed standard and official ideology, Marxism.

[4] This fact, celebrated by some, is an example of a positivist datum that conceals more than it reveals – telling us absolutely nothing about the strike and the union behind it.

the work of Niccolò Machiavelli through the "radically democratic" lenses of Claude Lefort that I finally felt properly equipped to undertake an analysis which could add something fundamentally new to the post-strike discussion in the handful of articles already published. In what follows I will attempt to illuminate the union's dynamics in a way that is conducive to understanding the course of the strike while providing an interpretive framework that can be used for understanding these same issues in the future.

In beginning with Lefort's return to Machiavelli we are led immediately to the Florentine's most important insight: the division of society between those who *wish to govern* and those who *wish not to be governed*; or as Machiavelli himself puts it, between "the desire of the populace to avoid the oppression of the great, and the desire of the great to command and oppress the people."[5] By rescuing this unique understanding of society from the powerful narratives that have both succeeded and assimilated it, Lefort seeks to turn our attention to an originary and powerful struggle between two diametrically-opposed dispositions.[6] These constituent elements of Machiavelli's theory of the state are summed up in the two mutually-dependent 'classes': the nobles and the people.

1. **The Nobles**. The nobles are defined as the camp that has the *desire* to dominate or oppress. For Machiavelli, these are the leaders who desire to rule, irrespective of the wishes of those who will be ruled by them. Their *will-to-power* is instrumental in order to bind a polity*,* if properly balanced; otherwise, it leads to tyranny and self-destruction.

2. **The People.** The other half the equation lies with the multitude. This camp is defined by the *desire* not to be oppressed. As such, it is diametrically opposed to the *desire* of the nobles. While their pacific attitude is certainly less threatening than that of the nobles, left to their own devices their very disunity would dissolve into asocial atomism.

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[5] Niccolò Machiavelli, *The Prince*, trans. Luigi Ricci (New York: Penguin Group, 1980), 63.

[6] Bernard Flynn, *The Philosophy of Claude Lefort: Interpreting the Political* (Evanston, IL: Northwestern, 2005), xxii.

The schematic is simple: on the one side, the forces of totality and, on the other, the magnetic opposite, the force of radical indeterminacy. But how does a political analysis of society apply to an organization? It is my contention that this social antagonism accompanies all sorts of large-scale social dynamics including labour unions. In my analysis, the "noble" *will-to-power* is most clearly visible in the activist members of the union. This core of individuals whose union involvement preceded the strike are defined by their very intense and personal *desire* to govern or have the union governed in a particular manner. Activist members would include most if not all of those who occupied representational positions in the union, including spots on the executive and bargaining team. It also includes the unelected strike coordinators who ran the day-to-day operations of the strike and the more active members of the steward's council.

"The people," on the other hand, are everyone else. This includes the hundreds who were active in the strike picketing as well as the thousands who silently stood on the sidelines. The peripheral involvement of these members in terms of the daily governance of the union marks their *desire* not to oppress. Their increasing resistance and declining solidarity with the actions of the activist members leadership also marks their *desire* to not be oppressed.

What is also unique in Machiavelli's analysis, as Lefort reminds us, is that both dispositions and their concomitant classes are historically inevitable and are, in fact, *necessary* for the production of democracy. The elimination of this conflict, a goal at the heart of both the liberal and Marxist project, is not only unnatural but a veritable guarantee of tyranny for Machiavelli who reminds his readers of the great advantages won only through this tumultuous existence.[7] And yet, a perspective that actually condones division and conflict finds itself immediately out-of-place in most progressive social movements and organizations. Instead these organizations increasingly favour consensus decision-making models and decry division and internal conflict as the disease of the enemy – an interpretation that has resonance for Lefort and became prevalent during the 3903 strike as we will discuss later.

Machiavelli does not merely leave us with two opposing camps in perpetual war: if left completely unchecked, one camp would destroy the

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[7] Niccolò Machiavelli, *The Discourses*, trans. Leslie J. Walker and Brian Richardson (New York: Penguin Group, 2003), 115.

other, inevitably destroying itself in the process because the two camps are not only opposed but also dependant on each other. The *semblance* of peace and unity that cloaks this division from time to time is the illusive *third-party* whose place and role is absolutely fundamental to Machiavelli's entire project. To understand the third, we need to understand the ontological situation at hand. The division between the two camps, noble and plebeian, produces what Lefort calls, politically, the *real* or more precisely, the *real of the political.*[8] The *real* here can be understood in relation to Jacques Lacan's psychoanalytic turn of phrase and Maurice Merleau-Ponty's concept of *brute* or *savage* reality that precedes every act of individual perception.[9] The significance of placing the real *between* two (*entre-deux*) relatively fixed and ceaselessly combative ontological entities emphasizes the tumultuous and unpredictable aspect of political life, which is why, for Lefort, the *real* is synonymous with the *place* of the political, classically called the *imperio*. For a radical democracy, in Lefort's definition, the *place* of the political must remain empty such that the *real* or *savage* dimension remains uninhibited; however, what is inevitable is that the place of the political is grafted over with institutions designed to capture and contain the brute force of the *real*.[10] The *figure* of the prince, as opposed to its *place*, serves to incarnate the political as a representational character or institution – an *image* of unity hovering over the tumultuous *real*.

The difficult question is determining who or what was the *prince* of CUPE 3903. From a first look, there was no individual, group or institution that seemed to satisfy the requirement of having transcended the internal divisions of the union in order to *appear* as a unifying figure. According to the institutional code of the organization, its bylaws, two representative institutions exist during the strike that could have possibly incarnated the role of the prince, the executive and the bargaining team. However, given CUPE 3903's avowed dedication and practice of radical or participatory democratic structure, the institution of the General Membership Meeting should have been the sole candidate for the role of

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[8] *Real* and *political* for Lefort serve as synonymous terms.

[9] Cf. Maurice Merleau-Ponty, *The Visible and the Invisible*, an incomplete and posthumous publication that was assembled and edited by Claude Lefort.

[10] Lefort's ontological setup carries with it an immediate ethical component. Given that democracy is, truly, only existent to the degree that the place of the political permits the irruption of the *real,* a continual striving against the inevitability of institutionalizing forces is necessary.

the *prince*. However, as I will show, CUPE 3903's major failing is in relation to how and what was installed as the figure of the *prince*.

Radical Democracy & The Prince of 3903

> *"Self-deception has to exist if a grand effect is to be produced. For men believe in the truth of that which is plainly strongly believed."*[11]

In what follows I will analyze the relationship between the activist and the rank-and-file members as it played-out in the institutions of the union and how that very interaction evolved under the aegis of "radical democracy." As mentioned earlier, the union was divided between two classes, activists and the general membership. Within the former camp, however, there emerged an intense division and rivalry and the formation of two factions, the "radicals" and the "moderates." Before continuing it is worth discussing these two terms and how they were perceived. On the one hand, these terms seem to vaguely refer to the politics of the factions, but only in a very superficial sense. For Machiavelli, as for Nietzsche, the doer is in the *deed*, not the intentions, motives or beliefs of the individual. Strip those away from either faction and the result is the same: a *will-to-power*. On the other hand, a real difference in ethics distinguished the activists, between what Max Weber called and *ethics of absolute* or *ultimate* ends and an *ethics of responsibility*.

The larger faction of the two within the activist camp belonged to the "radicals." The sense of an ethics of *ultimate ends* was strong within the radical camp as they conceived of their role and actions both as moral and as pertaining to a larger fight (against neoliberalism, bureaucratic unionism, or for poverty-free education, secure employment, etc.).[12] During the strike, this faction occupied the bulk of the positions on the executive and accounted for the majority of members participating in the steward's council, including the unelected strike coordinators who organized the day-to-day functioning of the

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[11] Nietzsche, *Human, All Too Human*, §52, p. 40.

[12] This paper will not attempt to substantiate many of these sorts of claims; however, official CUPE 3903 strike minutes will be referenced on occasion. On this matter, one may catch a glimpse of the ethics of *ultimate ends* in the SMC presentation of November 20, 2008. Cf. CUPE 3903, *Minutes of the General Membership Meeting*, 20 November 2008. Past minutes are available to all CUPE 3903 members. Information on how to contact the local's office is available here: http://3903.cupe.ca/contacts.

strike itself. Given the dominance of the radical faction in terms of the positions of power in the union, this analysis will credit them as a dominant force amongst the activists during the strike.

The opponents of the "radical" faction and the smaller of the two groups were the "moderates." Identified primarily with the bargaining team members and a small portion of the steward's council, these members were perceived as less radical and ends-oriented than their counterparts. Instead, they operated more along on what Max Weber describes as an "ethics of responsibility" aimed at responding to the particular exigencies of the union and less to overarching goals (in comparison to the "radicals").

In terms of the institutional structure of the union, as specified in the bylaws, daily governance of CUPE falls to the executive;[13] however, a long-standing activist practice designed to mitigate the spread of bureaucratic unionism has led to a shift in power to General Membership Meetings (GMMs) and the steward's council (SC).[14] These two bodies eschew the representational format and are open to the entire membership, although the latter is designed specifically to attract activist members who wish to play a role in organizing the campaigns of the union. Moreover, the SC is interesting because although it retains the representational notion of the "steward" in its title and constitutional description, it claims, through reference to past practice, that all members of 3903 are members of the council, thus effectively duplicating the structure of the GMM within the narrower scope of the SC. The rationale for this change in structure is at one with the common practice of opening the union's operations up to the membership to ensure greater transparency and grassroots organizing.[15]

The ideal of making constitutionally-defined representational spaces the equivalent of GMM also affected the space of the bargaining team

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[13] Cf. CUPE 3903: Constitution & Bylaws http://3903.cupe.ca/documents/ bylaws (accessed January 10, 2011).

[14] An interesting comparison that has been made of late is between the organization of CUPE 3903 and CUPE locals 79 and 416 who concluded a six-week strike in August 2009. There is not room to enter in rich analysis and comparison of the two strikes; however, it should be noted that reports surfacing from locals 79 and 416 indicated that the majority of the strike was governed strictly from the executive and bargaining team with little or no input from the membership.

[15] An example of this is given in the description of "bargaining from below." Cf. CUPE 3903, *Minutes of the General Membership Meeting*, 20 November 2008.

(BT). Whereas the BT is specifically tasked to represent each of the three units of the union through unit-specific elections, there was a concerted attempt to informally overturn this structure during the strike in order to "open" the bargaining team up to participation from the general membership, akin to the organization of the steward's council. Similarly, because the majority of the executive were members of the radical faction they championed this ideal to open their meetings to outside attendance.

The union described as such leaves an immediate impression, yet a true one nonetheless, of an organization in transition between a representative structure and a radically democratic one. However, what lies beyond the immediacy of appearance in all these applications of an ideal of participatory democracy is that they originated from the radical activist faction itself and *not* from the membership (considered separately). In fact, in many cases it was not those in the position of being on the outside-looking-in but members fulfilling leadership roles that were committed to opening up spaces, ostensibly for the greater community of activists and rank-and-file members. The effect, however, of this top-down adjustment was not an influx of previously barred rank-and-file members but the increased insertion of the same activists in an increasing number of positions and places that had previously been institutionally separated. This contradiction between the intent and the practice of radical democracy as it was unfolded in the union reached a climax of sorts in the November 20th GMM, where select members of the executive and SC resisted resolutions passed by the largest meeting in recent history[16] in order to make heard their presentation on "Bargaining from Below" and the principles of rank-and-file unionism.[17] This contradictory moment of a leadership explaining, against the very

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[16] There is no official count in the minutes but by my estimate there were approximately 800 members in attendance, out of which the activist contingent could not have accounted for more than 150. Part of my estimate is based on the few recorded vote counts of day, for example, following the defeat of an activist-sponsored motion, 141 people voted against its alternative. Cf. CUPE 3903, *Minutes of the General Membership Meeting*, 20 November 2008.

[17] The membership rejected the executive's presentation which presumed to instruct the membership on how the membership ought to engage in bargaining, or more presumptuously, to instruct the membership on how it is its own will and practice to engage in bargaining in a certain manner. Cf. CUPE 3903, *Minutes of the General Membership Meeting,* 20 November 2008.

wishes of the membership, the principles of membership-driven unionism, begins to encapsulate the reality and fate of radical democracy within CUPE 3903.

What the November 20th meeting signifies is the contradiction of a leadership in denial of its *will-to-power*. What this moment also makes evident is a membership in full resistance to a fate of marginalization and powerlessness.[18] That this fate eventually was realized is part of the tragedy of CUPE 3903 and one that seemed to genuinely emerge out of an unconscious struggle to do good rather than conscious tactics to attain political supremacy. However, an analysis of a handful of the individual applications of the logic of participatory democracy endorsed by the radical elements indicate that the actual effect, time and time again, of the much touted structure of "radical democracy," while *theoretically* more democratic, proved in practice to undermine the very basis of democratic decision-making. It was this contradictory practice of participatory democracy that begat the true figure of the *prince* of CUPE 3903.

The claim of radically democratic practice in 3903 consisted of opening up all union spaces to involvement by the membership, usurping the union's legally-determined representational structure. The *ideal* of radical democracy was that the membership as a whole could be directly present and participate in all decisions at all levels, including executive, bargaining team and committee meetings – a dream of a membership wholly identical with its leadership. The reality, however, was that the application of radical democracy in this particular case served only to further exclude the membership, the vast majority of whom could not match the level of engagement of the small contingent of activists (both radical and moderate) for a variety of reasons that will be discussed below. Thus, with both the representational structure of the union dominated by activists (who had acclaimed their positions prior to the upsurge of membership involvement wrought by the strike action), and the exercise of radical democracy further bolstering activist control over decision-making, the membership itself was phased out. In

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[18] After retaking control of the meeting from the activists, the membership also voted down a motion to empower the activists and instead spoke in favour of a new resolution: "We are taking steps to decentralize things. This has been fruitful. This is a question of responsibility at the end of the day." Cf. CUPE 3903, *Minutes of the General Membership Meeting*, 20 November 2008.

the end, as in the beginning, all conflict and decision-making became centralized within the activist class itself.

In order to observe how radical democracy served to tighten the control of the activists over the reins of the union, we will proceed to examine how it was implemented in the various institutions that occupy the *place* of the political in CUPE 3903. Turning to the GMMs, the expressly designated location for grassroots decision-making and the primary candidate to locate the figure of the *prince*, we witness an overall failure of democratic organizing. While allowing a few instances of genuine membership involvement, the structure, location, length, and organization of meetings all worked against the participation of the membership. Often called by the executive with little or no notice and stacked full of activist presentations, there was little room left for genuine grassroots involvement or control of the direction of the union.[19] While many of these factors are inherent to the task of organizing a large group, they were exasperated by the very actions of the activists claiming to be working in the name of the members.

For example, a resolution that "regular GMMs last a maximum of three hours," which was moved from the floor by a rank-and-file member and passed overwhelmingly at the GMM on November 26, 2008, was strongly opposed and consistently re-challenged by the activists and proponents of participatory democracy.[20] Staying true to the quantitative logic of radical democracy as they had developed it, the activists ignored the incessant reminders from rank-and-file members of their inability to participate at the same level of intensity as the activists (for a number of reasons including child-care responsibilities, transportation issues, exhaustion from strike-related duties, etc.).[21] The November 26 resolution itself was not the product of a new ideal of democratic governance but, in fact, emerged following the discontent of members who were unable to stay for a five-plus hour GMM. The GMM in question was held at the University of Toronto and saw a mere

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[19] For issues of time and scheduling ("On a Point of Privilege – Ten hours for a meeting is disempowering. This is not democratic"), cf. CUPE 3903, *Minutes of the General Membership Meeting*, 15 *and* 20 November 2008.

[20] For the resolution, cf. CUPE 3903, *Minutes of the General Membership Meeting*, 26 November 2008. For challenges, cf. CUPE 3903, *Minutes of the General Membership Meeting*, 8 *and* 14 of January 2009.

[21] For exhaustion, cf. CUPE 3903, *Minutes of the General Membership Meeting*, 20 November 2008.

two-hundred members (mainly activists), half the number originally seated, decide the direction of the union in the closing minutes of the meeting.[22]

The membership was further marginalized through the appropriation of the democratic process. By utilizing a number of polls that were required constitutionally or imposed by the State, the leadership was able to interpret the membership's will as a specific legitimation of the leadership of the union. These polls include the positive strike mandate vote in October 2008, the vote to advise the executive and bargaining team on calling a strike in November and the "No" vote in response to the Employer-driven State-run supervised ratification vote in January 2009. While each of these votes gave clear evidence of the *disposition* of the voting membership with regard to general criteria such as the progress of bargaining and York University's strategy of non-engagement, each vote was morphed into a more specific endorsement of the actions of activist members and their agenda.[23] This twisting of the membership's expression belied the fact that the collection of strike votes saw a coalition of progressive groups representing both activist factions working toward a strong "Yes" with regard to striking and "No" with regard to the forced ratification. Moreover, each vote which required a coalition between the differing factions of the activists produced a consensus in terms of how to present the issue at hand to the membership. As such, all documents presented to the membership were couched in the language of an ethics of responsibility which resonated with a membership aware of its political situation vis-à-vis the University and genuinely willing to extend and renew faith to its leadership. The results of the votes, however, were each time converted into an endorsement of the radical agenda of *ultimate ends* rather than a response to the very strategy literature published by the union.[24] For example, during both the strike mandate

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[22] For the key resolution, cf. CUPE 3903, *Minutes of the General Membership Meeting*, 15 November 2008.

[23] For a published example (albeit months after the strike terminated), cf. Tyler Shipley, "Demanding the Impossible: Struggles for the Future of Post-Secondary Education," *Socialist Project: The Bullet* 215 (May 10, 2009), http://www.socialistproject.ca /bullet/bullet215.html.

[24] This suggests that Jacques Rancière is right to conclude that "the vote" is, in fact, a tool of the oligarchy designed only to bolster their governance over the people and not

vote and the supervised vote, the union sought support by drawing allusions to the negotiating strategy of utilizing a *militant appearance* in order to win larger material gains early on.[25] However, despite the expressed intentions, the strategy and ethic of responsibility was quickly disregarded after the polls closed in favour of a 'strategy' of outright militancy – the same strategy that more or less walked the union blindly into back-to-work legislation in January 2009.[26] What is revealing about this bait and switch is that encouraging a strategy of a *militant appearance* is itself an acknowledgement that the activists believed the membership would not simply endorse a strategy of *being* militant, i.e. of adopting the hardline posture that would lead to a game of brinkmanship, that would carry the union into an eighty-five day strike. Thus, despite all the claims to the contrary the actions of the activists betrayed a conscious desire to disregard the membership's will. While there is reason to believe that the radical activists themselves understood the value of strategic bargaining, their ability to seamlessly switch between an ethics of responsibility, when the support of the membership was required, and an ethics of ultimate ends otherwise, emphasized the aura of duplicity surrounding the whole process. Moreover, it gives insight into how the utilization of democratic procedures (i.e. voting) can be directed to serve the determinate purposes of oligarchic governance.

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a truly democratic or political tool. Cf. Jacques Rancière, *Hatred of Democracy,* trans. Steve Corcoran (New York: Verso, 2006), 53.

[25] From the forced ratification material: "Even if you have been against the strike until now, it's valuable for you to vote NO. By voting NO, you are extremely likely to end up with a better contract than the one the administration is currently forcing members to vote on. This is because when we vote this offer down, the administration will need to put a better offer on the table to ensure a settlement is reached quickly." Copies of the two forced ratification mail-outs are online at: http://ubuntuone.com/p/XRd/ and http://ubuntuone.com/p/XRf/.

[26] To give an anecdotal idea of how blind most activists were, I will recount an experience from the last few days of bargaining prior to the back-to-work legislation. These last sessions came in response to Premier McGuinty's appointment of Reg Pearson to "bang some heads together." During one of the final days a lawyer for the union and representatives of CUPE National advised the bargaining team and other members present that back-to-work legislation was imminent. The response by the most informed radical activists was that this was a ruse and that "we are strongest right now" and that we must "stand firm." The former quote can be found alongside motivations to re-add dropped demands to the table following the successful (for the union) conclusion of the ratification vote in: CUPE 3903, *Minutes of the General Membership Meeting*, 21 January 2009.

The steward's council (SC), mentioned earlier due to its *de facto* change of structure from a representational form to an open participatory model, also became a site of serious contention. While "officially" an open body, the widespread perception of the SC was that of a closed, radical and vanguardist group intent on maintaining a militant front and harassing the bargaining team and others into following suit.[27] In response to allegations that the SC was a close-knit group of like-minded activists, the ubiquitous response from the group became: "We Are You." In the eyes of the members of the SC, their commitment toward opening the doors of the SC – even if that had not realized itself by increasing participation – gave the SC both the right and the power to speak as if it were actually a duplicate of the membership, identical to it in every way.[28] In responding "We Are You" the SC simultaneously eliminated any charge of critique from an outside, which its statement rendered impossible, and also championed their own actions as consensual, as the equivalent of those arrived at in a GMM.

The double movement of denial and elimination of internal division was a motivating factor in each of the applications of participatory democracy cited above. Firstly, by denying a power imbalance between those who desire to (and, in fact, do) govern the union, and the larger membership, the tripartite structure described by Machiavelli of nobles, people and prince, was flattened to two basic elements: the collective 'We' and the individual 'you'. This reduction was accomplished through a denial of a division within the general population of the union such that an image of the membership was coextensive with any number of its members – even a single individual. "We are You" simply became tautological as all sense of distinction between subject and predicate was blurred or eliminated. In the place of dichotomy rose a single image of the People-as-One which installed itself as the *prince* of CUPE 3903.

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[27] For enquiries from the membership as to the nature and mandate of the SC (or BMC or SMC as it is variously referred to in the minutes) cf. CUPE 3903, *Minutes of the General Membership Meeting*, 20 November 2008.

[28] A member speaking in favour of empowering the SC is recorded in the minutes as "Speaking in favour, doesn't like the fact that people are complaining about the S[M]C. The S[M]C deals with security problems and picket issues. We respond to daily concerns. [We] *represent all picket lines*." CUPE 3903, *Minutes of the General Membership Meeting*, 20 November 2008 (my emphasis).

In order to cover over this essential division the leadership effectively effaced the appearance of their position of power. Even the very notion of "leadership" was treated with disdain by elected representatives, despite the fact that they held considerable sway over the activities of the union especially during the strike, when the union's power over the lives and livelihoods of its membership was increased many times. By celebrating their pretensions toward democracy and equality and deriding "leadership" positions as elements of a bourgeois or business unionism, the activists attempted to efface the *real* distinction between themselves and the membership such that they could say "We are You" and demand the reciprocal "You are Us."

Having effaced internal differences through the creation of the image of the People-As-One the next step was to eliminate all future cases of division. This involved already mentioned practices of attempting to reign in, or make *identical,* diverse committees of the union and to prevent a fracturing of the image of unity through an aggressive strategy of repudiating critique and persecuting any opposition. It was the SC, a group composed of non-elected activists, that most defended the image of the People-as-One. Denounced by some (including both moderate activists and lesser-involved rank-and-file members) as a vanguardist collective within the union, the SC radicals shielded themselves from critique by inverting the discussion into one of a renewed McCarthyism against a radical minority. By masquerading as the persecuted rather than the persecuting, flipping the power relations in the union such as to portray those in the greatest positions of power as victims, the SC was able to effectively silence opposition and maintain hegemony within a primary locus of strike-based decision-making. Furthermore, by successfully short-circuiting attempts to illustrate distance or *difference* between the membership and the activists, the image of the People-as-One could continue to lord over the union as its *prince.*

The image of the People-as-One and its accompanying logic of participatory democracy was also used in an attempt to "democratize" the bargaining team (BT). The BT was a stronghold of moderate or "social democratic" members that were targeted by the radical faction not simply for their dissent but because they could do so while maintaining a position of power in the union. Decrying the BT's representational structure as a relic of business unionism, radical members battled the BT over whether its caucus would be open to

observation or direct participation from rank-and-file members.[29] While both sides agreed to the former, the moderates resisted the latter demand without success – they were eventually defeated through constant harassment and intimidation by radical members.[30]

The result of opening up the caucus, however, was not an influx of rank-and-file members to hear details omitted in the daily email reports and weekly GMM presentations. Rather, this resulted in the increasing presence of radical activists. While dwindling numbers of rank-and-file members on the picket lines continued to struggle to complete all twenty hours on strike duty, activist members made sure to take advantage of "democratized" spaces to inject their perspective. Speaking always in the guise of the People-as-One, the radicals acted as lobbyists for demands both personal and collective against "moderates" who planned to "sell out" the union. By branding moderate bargaining members as "sell-outs," the radicals could more effectively corral the BT into accepting the order offered through the narrative of the People-as-One. Moreover, by opening up space that the average rank-and-file member could not hope to reach, the radicals were able to continue the process of supplanting the GMM as the seat of union democracy. More precisely, the radicals were able to bring the decision-making power of the GMM to whatever venue they chose to occupy, as each effectively carried with it the power of the people. The eventual result, whether conscious or not, was an aggregate decrease in democratic participation as only those members committed to round-the-clock involvement and who could tolerate the hostility of a union intolerant of differences could partake in its governance. Naturally, "the people" – the general membership whose

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[29] The difference between "to provide input and...to direct" individuals and groups similarly stewed at the level of the GMM, for example cf. CUPE 3903, *Minutes of the General Membership Meeting*, 21 January 2009.

[30] Another bargaining anecdote: Following the union's victory against the University/State in the forced ratification vote in mid-January, a coalition of radical activists that had interpreted the victory unilaterally as a mandate to up the ante against the University surrounded and shouted at bargaining team members for hours during a BT caucus in order to have demands previously negotiated off the table placed back on – a decision that had been vetoed at the GMM hours prior and that might have landed the union in a "bad faith" suit had the University agreed to return to bargaining. For the GMM version, see the resolution on "winning of Unit 3 minimum guarantee" where a member is recorded as saying "We are strongest right now," on what would be the eve of Premier McGuinty's back-to-work legislation announcement. In CUPE 3903, *Minutes of the General Membership Meeting*, 21 January 2009.

faces occupied the condensed image of the People-as-One – were the first to be eliminated.

The attempt to eliminate division, however, becomes a constant issue thanks to the denial of division and the presupposition of absolute unity. Thus, it became inevitable that cracks in the image of Oneness would continue to appear and have to be continually eliminated in order to maintain the princely image of unity. The first and most obvious division, which has already guided this analysis, is that between the "radicals" and "moderates." While these generic terms, which stand-in for a number of different epithets, depict some differences in political ideology (between an ethics of responsibility and one of ultimate ends, as I mentioned earlier) they are primarily the product of personal differences and competing desires that could not be tolerated under the name of the One. Returning again to the November 20 GMM and its aftermath, we can witness how discourse was used in an attempt to silence the opposition. Claiming that the proceedings of the meeting were an act of sabotage orchestrated by a phantom coalition of "right-wing social democrats" (as one of the radicals put it in a leaked email string), the radicals dismissed without hesitation the *political* intervention of the rank-and-file. The unpredictable events of the November 20 GMM, including its record attendance, overturning of the pre-ordained order, and its establishment of a 3-hour GMM limit to prevent cases of democratic abuse, both mark it as a target of the police-logic that accompanies the image of Oneness, and as a rare case of insurgent democracy or *politics* in an environment hostile to difference.

CUPE 3903 and the Immoderate Friends of Democracy

> *"Impatience demands the impossible, to wit, the attainment of the ends without the means."*[31]
> *"[T]hey strive to subject all aspects of human life, not to a dogma, or doctrine, as one so inappropriately accuses them and as a point of pride they boast about so complacently, but to a pure Negation."*[32]

What this analysis of CUPE 3903 has aimed to illuminate is the effacement of the membership during a critical moment of the union's history. Given the final outcome of the strike-action and the not insignificant losses incurred both to the union's reputation and to its pocketbook, not to mention that of its individual members, the occlusion of the rank-and-file could be summed up as tragic. After all, CUPE 3903 championed its member-driven decision-making structures as part-and-parcel of its battle against the neoliberal university model, but instead of being a paragon of a democracy and a stalwart militant in a dystopic world, the union all but collapsed due to internal infighting amongst a leadership class absolutely severed from both the membership and the *real* of the political.

As we have seen, the establishment of a logic of Oneness is ultimately contradictory and hazardous for the democratic project. What is eliminated in the creation of the image of the People-as-One, is, in fact, "the people," as the logic of unity continues to devour its endlessly-constructed enemies. This great contradiction, however, encompasses many smaller ones such as the "paradox of legalism," the emergence of "little despots," as well as what Jacques Rancière terms derisively the "explicative" or "old" master. Under the name of the One, 3903 experienced all of these phenomena and each aided in the sequestration and disappearance of the membership from the union.

The "paradox of legalism" is how Claude Lefort describes both the reliance and dismissal of the legal system in a movement that functions to intensify juridical structures while effacing them. While Lefort is referencing the Bolshevik critique and simultaneous reliance on an

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[31] G.W.F. Hegel, *Phenomenology of Spirit*, trans. A.V. Miller (Oxford: Clarendon Press, 1977), 17.

[32] Pierre Manent, *Tocqueville and the Nature of Democracy,* trans. John Waggoner (Lanham, MD: Rowman & Littlefield, 1996), 131.

elaborate penal code in establishing their "dictatorship of the proletariat," a similar phenomenon emerged within CUPE 3903. As discussed earlier, the elimination of "the people" from the space of the political was effected through the introduction of new guidelines on participation. These new guidelines, however, circumvented the existing bylaws that accorded status to a representational structure. The latter system was dismissed out-of-hand as being part of a business union model that interfered with a rank-and-file unionism. Resistance to the attempts to subvert existing structures with new and untested models of organization were met with criticisms from radical activists of proceduralism, of placing undue emphasis on conforming with accepted procedures. The casual disregard for bylaws, however, gives the wrong impression about the radical faction's instrumental reliance on law. Policy, for instance, a type of legislation that admits the *least* standard of democratic approbation was routinely utilized to assist the radical agenda as it required neither advance notice nor the attention of the wider membership as compared with bylaws which require sixty-day advanced notice, publication to all active members and final CUPE National oversight.[33] Despite being designed with a limited scope, policy served as a vehicle to radically reorganize the union, including the incorporation of elements of participatory democracy, such as the disputed policy indicating that both observation *and* participation in bargaining team internal caucuses by rank-and-file members was legitimate practice.

The contradictory reliance on and disregard for legal structure played well with the phenomenon of the old master that arose simultaneously within 3903. According to Rancière in *The Ignorant Schoolmaster*, the "old master" is an expert knower and explicator who works both to establish a separation between learnt and learner and then to profit from it.[34] Reserving this term not simply for the schoolmaster suggested in the title, Rancière views the problem of expert explicator as endemic to modern society, as evinced by those "who were preoccupied with instructing the people: rulers wanted to elevate the people above their brutal appetites, revolutionaries wanted to lead them to the

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[33] CUPE 3903, "Constitution & Bylaws: Article 17: Amendments to the Bylaws," http://3903.cupe.ca/documents/bylaws (accessed January 10, 2011).
[34] Jacques Rancière, *The Ignorant Schoolmaster: Five Lessons in Intellectual Emancipation,* trans. Kristin Ross (Stanford, CA: Stanford University Press, 1991), 5.

consciousness of their rights; progressives wished to narrow, through instruction, the gap between the classes...."[35] In all these just causes we can witness the same mentality that transformed the union and excluded the membership. Like progressives or revolutionaries wishing to elevate the masses, the activists of 3903 arrogated to themselves the role of master and explicator. In meetings, the irony of lecturing the membership on their own *emancipation* was completely lost on the masters, who took offence to the membership's rejection of their carefully thought-out briefs on grassroots democracy and bargaining "from below."[36]

The greatest injustice of the old masters was that their vocal attempt to expand participatory democracy, on *behalf of the membership*, never actually sought the support of the rank-and-file itself. Instead, it actively sought to avoid the process established in the constitution and bylaws that would have required membership awareness and participation. They seemed to need no consent from those for whom they spoke, as if the nobility of the image of "the people" they constructed so eloquently was combined with an equally base loathing. To quote Pierre Manent, it appeared that the individual radical activist "alone believes himself conscious and awake among an ignorant and sleepwalking humanity."[37] The consequence, as history bore out, was simply more power for the masters and less for the membership.

Whereas the paradox of legalism fit snugly into the division of master and *servant*, both of the former help us define another phenomena characterized by Claude Lefort as "little despots." In *Complications*, Lefort's analysis of the Soviet Union, "little despots" emerge as lesser powers who take great pleasure in oppressing those within their reach as both a response to their own oppression by "greater" despots and, more importantly, because of their complicity in the entire apparatus of oppression itself. Mined from Etienne de La Boetie's *The Discourse on Voluntary Servitude,* Lefort sought to explain how a tyranny, or a totalitarian state, exists while the majority are oppressed. His conclusion was that the totalizing image of the One both

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[35] Ibid., 17.

[36] See November 20th GMM wherein the executive's presentation on "Bargaining from Below" was jettisoned and then forcibly reintroduced by way of another presentation in CUPE 3903, *Minutes of the General Membership Meeting*, 20 November 2008.

[37] Manent, *Tocqueville and the Nature of Democracy*, 132.

mesmerized its subjects with its divine promise of unity and simultaneously sowed the seeds of division and hatred that would tear the One apart. Whereas in the Soviet Union the little despots emerged through the various hierarchies of the bureaucracy, in the case of 3903 they appeared within and between the various committees and picket lines that composed the union.

Entranced by the image of the People-as-One and coupled with a siege mentality regarding the outside world, dozens of members nominated themselves to ensure continued solidarity in the union and its wayward membership. The cost of this "solidarity" was bought in increased member harassment and chastisement, creating a hostile environment that discouraged dissension.[38] The production of factions, based far more on personality conflicts than any more pressing criteria, turned friends into bitter enemies and increased the union's already myopic vision and inability to reflect upon itself.

The estrangement of the activists from the rank-and-file follows a pattern that Pierre Manent would call the crusade for "real equality." Led by the most faithful friends of democracy, who ironically become its most dangerous enemies, the proponents of "real equality" wish to actualize the promise of equality and democracy that is enshrined in its formal structure,[39] which, in the case of CUPE 3903, is contained in its constitution and bylaws. Unsatisfied with the mere semblance of democracy that emerges within the representational structure, the immoderate friends of democracy wish to leap over the tumultuous struggle of a diverse membership responding to complex and variegated concerns, into a state of utter identity; a state where the reality of the membership would mirror the idealization of the leadership. It was, in the words of one executive member, "the romantic idea of everyone building solidarity in a visible and powerful show of many hands raised in unity." Yet, as Manent points out, this romantic image of the "People-as-One" erased the "necessity of recognizing the existence of

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[38] For a testimonial by one BT Member of the harassment they received, see: CUPE 3903, *Minutes of the General Membership Meeting*, 20 November 2008. After stating that they were "scared to speak," they went on to claim that "members are coming in and sidetracking bargaining team meetings" and "abus[ing] the political process of bargaining from below." With widespread concern about these actions of a small group of union members, the GMM passed a motion to grant the BT full flexibility shortly thereafter.

[39] Ibid., 129-30.

other [people] and the objectivity of the world."[40] By eliminating the *process* of realizing democracy in favour of its brute fact, by truly "demanding the impossible" without concern for the very journey of its attainment, the proponents of radical democracy sabotaged their own project. Yet as their rhetoric, "always rigorously reduced to the democratic principle," became increasingly transparent in its superficiality, their actions became, by extension, increasingly "strange" and "violent"[41] – a product, no doubt, of the intense torsion between the *real* and the *imaginary*.

In Manent's discussion of democracy gone awry, what transfixes the so-called "immoderate friends" of democracy is the morality of their crusade crossed with the *belief* in its very necessity. Yet Manent's description shows us not something particularly new but the return of an old political trope. The belief in the necessity of *one's* actions can be translated into the shadowy vanity that haunts all noble motives; the vanity Max Weber calls the "mortal enemy of all dedication to a cause."[42] Our own "immoderate friends" are thus yet another incarnation of the Machiavellian prince obsessed with his own image. As for the grand themes of an ideological struggle between radical and moderate or between union and employer, they merely served to masquerade the far less noble reality of an organization rendered ineffectual by *narcissism*.

Both Lefort through his reading of Machiavelli, and Weber in "The Vocation and Profession of Politics," lend special attention to this political pathology because of its potential to destroy a society or state. For Weber, politics requires a *pathos of distance*, a separation from a matter and the corresponding perspective that such separation yields.[43] The elimination of difference wrought by the ideology and practice of absolute unity eliminated this separation in the union such that all differences were ultimately eclipsed. In their place was erected a hall of mirrors that seemed to generate and reflect the opinions and confidence of the leadership simultaneously. Anything that was not immediately cast

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[40] Ibid., 132.

[41] Ibid., 131.

[42] Max Weber, "The Profession and Vocation of Politics," In *Political Writings,* ed. Peter Lassman and Ronald Speirs (Cambridge: Cambridge University Press, 1994), 353

[43] Ibid., 353-4. *Pathos of distance* is a term used by Nietzsche and starts a conceptual lineage which runs through Weber and Arendt.

as an enemy to the union was turned into a display of its power and might.[44] Mythologies of times past, of victories of the union, of the glorious strike of 2000-01, were decontextualized, simplified and served up as a mere reflection of the whims of the present leadership. What could not be eliminated, however, was the pure and bitter struggle of ego against ego. In the end, political differences between "radical" and "moderate" were inverted or outright discarded in favour of decisions that resonated only with a wounded vanity and a desire for redemption by strength of conviction.

In Pierre Manent's *Tocqueville and the Nature of Democracy*, it is the conviction of eternity, of History with a capital 'H,' that justifies the actions of the radical democrats. Whether it was similar in the case of 3903, the ethics of ultimate ends seemed to assure the radicals that, to quote Nietzsche, "there absolutely must exist a necessary connection between moral actions and intellectual insight."[45] It was as if a sort of divine power existed that would look exclusively upon the wholly moral quality of decisions and reward them after-the-fact with a grounding in reality. Ironically more like Antigone than the calculating and patriotic Creon, the radicals became ensconced in the utter *nobility* of their words and deeds, in their *image* of radicalness, such that, to quote Nietzsche again, even the most self-conscious of the radicals could only feel that "it would be altogether too *unfair* if what had inspired [them] had actually been no more than an error."[46] Cocooned in the narcissism of the purely *imaginary*, the radicals rejected the attempts of others to advise them, dismissing warnings about impending "back to work" legislation or the decreasing participation on the picket lines. Instead, they continually parroted variations of the claim: "We have never been stronger."

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[44] Cf. Shipley, "Demanding the Impossible."

[45] Nietzsche, *Human, All Too Human*, §53, p. 40.

[46] Ibid., §53, p. 40.

Conclusion: A Warning Against *Monos Phronein*

"Do not be wise alone"[47]

History has already written the concluding chapter of the strike, at least in positivist terms. As we know, the strike was brought to a dramatic close thanks to an emergency session of the Ontario government that enacted "back to work" legislation mere days after the union was advised of such an outcome. However, the intervention of the State did not just set a negative precedent for the labour movement in a new sector. It also, ironically, *saved* the radicals from ultimate responsibility for their actions. By forcibly terminating the strike through legislation (backed as always by the heavy-hand of police brutality) the State took upon itself the focus of the wrath of the union's rank-and file.

Now, months later, with the strike a distant and disagreeable memory for all involved in the union, the problem of "radical democracy" remains. Operating in a state of near bankruptcy, the union is too busy putting itself back together to engage in the soul-searching that is required to understand its recent fate. Moreover, with the membership more apathetic than ever due to its forcible ejection from the place (the *imperio*) of political participation, the chances of a *political insurrection* in a new and qualitatively more *democratic* form seem distant. Perhaps it is telling that only a mere fraction of the membership voted on the ratification offer that was concluded a few months after the strike ended.[48] While some activists resumed their petty struggle over the *political* significance of the deal, the overwhelming majority seemed to sense that anything truly *political,* in the sense described earlier, had long since gone.

In retrospect, the practice of radical democracy in the case of CUPE 3903, the ethic of ultimate ends adopted by the radicals, and the distaste

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[47] A re-worded version of "...not to *monos phronein,* 'not to be wise alone'" from Cornelius Castoriadis, "The Greek Polis and the Creation of Democracy," In *Philosophy, Politics, Autonomy: Essays in Political Philosophy,* ed. David Ames Curtis (New York: Oxford University Press, 1991), 120.

[48] Only a mere 639 out of approximately 3400 members voted on the final deal despite five days of open voting (compared to almost 1500 during the forced ratification vote). The results, two-thirds in favour, were neither a landslide nor a razor thin majority, confounding interpretations that focused on the breakdown rather than the overall turnout.

for the rare cases of membership involvement, all indicate that "radical democracy" was merely a front for a return of vanguardism. The latter term, having become broadly discredited for its unapologetic disregard for democracy, has attempted to subvert its old enemy by donning the guise of an even more democratic ideology. The notion of "radical democracy" gave the self-anointed radicals the political justification (amongst themselves if no one else) to sustain their own vanguardist conduct in the face of situations that overwhelmingly contradicted their views. Even the very pride of place that the word "radical" occupied, having been deployed as a means of distinguishing this group from both the moderates on the Left and the rest of the political spectrum in the union, contradicted and opposed an *inclusive and populist process*. To be radical in 3903 meant to hold certain principles, variously contradictory and naive, or complex and profound, that were essentially exclusive and that presupposed an ethic of ultimate ends. The difficulty came when those ultimate ends were not shared by the membership in whose name they were justified – a fact that was consciously or unconsciously acknowledged by the convenient switch from the logic of *ultimate ends* to one of prudence and strategy when dealing with the membership.

Contrary to its deployment in 3903, the etymology of the word "radical" is root. To be radical is thus counter-intuitively to return to the roots and *not* to climb to the highest branches. Radical democracy thus presents itself as a return to the roots of democracy, the *demos* itself. Or, more properly speaking, it is the return of the *demos* (the people, the many) to what is otherwise the mere presentation of democracy. In the case of 3903, radicalism became essentially vanguardism, a disguised vehicle driven by the "immoderate friends" of the rank-and-file to do what was, ostensibly, in everyone's interest. In this guise, however, "demanding the impossible" became simply "demanding the outlandish" as the union lost sight of its *roots* and clamoured for an excess of things in its place. That belief in excessive demands, even those as morally-defensible and revolutionary as poverty-line wages, came to vindicate the vanguardism of the few. This was the tragedy of CUPE 3903. What the radicals overlooked, in their zealousness, was that radicalism and the *impossible* which was to be demanded are not measured by mere quantities, as a requisite number of material things that must be won. The impossible demand, the truly radical demand, is

not a thing but a status: *equality*.[49] However, in order to demand such a thing from the University and the State we have to first demand it of ourselves. Our failure to do this, more than the loss of many noble *things*, constitutes both our collective loss and the most tragic product of the strike.

If there is a silver lining to the tragedy that has unfolded, it is the fact that the very nature of tragedy reminds us of the power of the *real*. The tragic character of the 3903 strike leads us back, immanently, to the very roots of the crisis and demands that the tenets and practices of our democracy be clarified. If tragedy is indeed intimately tied with radical democracy, as Cornelius Castoriadis might point out,[50] this is not because tragedy is the inevitable destiny of radical democracy but rather because it is a fate which continues to haunt it. In order to avoid that fate the activist members will require a degree of awareness of their position as a *class* against the majority of the membership. Part and parcel of this awareness must include an acknowledgement of the position of power it entails and of the danger of group-think, another form of the solitary wisdom (*monos phronein*) of which Castoriadis speaks in his reading of *Antigone*.[51] Relatedly, the union must remain vigilant against the return of vanguardism under the flag of radicalism, and the attendant belief, as I have tried to show, of a leadership that is either effaced or at one with the membership. To understand the *project* of radical democracy is to grasp both the inevitability of the role of the nobles, or what Rancière calls the police, and also its danger. The radically democratic project does not end with the elimination of the police and establishment of a people living and working in perfect harmony. In fact, the project of radical democracy does not end at all – it is the continual struggle between these two necessary factions in order to produce *politics* and *liberty* in the spaces between.

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[49] Rancière is the best reference for this concept. Cf. Jacques Rancière, *Disagreement: Politics and Philosophy,* trans. Julie Rose (Minneapolis, MN: University of Minnesota Press, 1999).

[50] Castoriadis, "The Greek Polis and the Creation of Democracy," 119-120.

[51] Ibid., 120. See also fn. 56.

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